

RECORD OF PROCEEDING OF  
CHUCKANUT COMMUNITY FOREST PARK DISTRICT  
APPROVED MEETING MINUTES

Regular Meeting and Public Hearing  
Thursday, November 13, 2014

Held at: Fairhaven Branch, Bellingham Public Library  
1117 12<sup>th</sup> St, Bellingham, WA  
In the Fireplace Room  
7:00 to 9:00 PM

Our Mailing Address: PO Box 4283, Bellingham, WA 98227

Official email addresses for the Commissioners, where the public may send comments (subject to public disclosure):

John Hymas	<a href="mailto:hymas@fidalgo.net">hymas@fidalgo.net</a>
Vince Biciunas	<a href="mailto:vbici.ccfpd@gmail.com">vbici.ccfpd@gmail.com</a>
Cathy McKenzie	<a href="mailto:cmckenz.ccfpd@gmail.com">cmckenz.ccfpd@gmail.com</a>
Sue Kaun	<a href="mailto:skaun.ccfpd@gmail.com">skaun.ccfpd@gmail.com</a>
John Brown	<a href="mailto:jbrown.ccfpd@gmail.com">jbrown.ccfpd@gmail.com</a>

**Our Mission:** The mission of the Chuckanut Community Forest Park District is to ensure the entirety of the property is protected in perpetuity in public ownership, with respect for its ecological, recreational, and educational functions and to serve as a fiscal mechanism through which the district, via a tax levy, will repay the City of Bellingham for the Greenways Endowment Fund loan.

**Called To Order** The meeting was called to order by President John Hymas at 7:00 pm.

**Roll Call:**

Vince Biciunas, Clerk  
Cathy McKenzie  
Susan Kaun  
John Hymas, President  
John Brown--Excused

**Quorum Present**

**Motion** was made to approve the agenda for today's meeting. Susan Kaun moved and Cathy McKenzie seconded to approve the agenda. Vote was four to zero, with one excused, to approve.

**Introductions:** Attending, in addition to our legal counsel, Simi Jain, was Bill Hineley, Julia Hart, Delaine Clizbe, Michael Lilliquist, Joe Yaver, Todd Donovan and a few others not named.

**Public Comment:** No Public Comments.

**Public Hearing:** On the Property Tax Revenues for 2015, Resolution No. 2, Levy Certification, and on the subsequent Budget for 2015.

Last year, the estimated assessed valuation of the District was \$1,523,144,986. This year, due to inflation of 1.50%, the estimated valuation of the District is \$1,578,017,206. That's just under \$1.6 Billion.

One option is to approve a levy with no change in the assessed dollar amount from 2014, and that is \$422,820.12 or a percentage increase of 0%.

The second option is to approve a levy that is \$427,048.32, which is a 1% increase, but calculates to a lower rate of \$0.2706 per \$1,000 property valuation.

**Public Hearing Comments:**

Delaine Clizbe, upon review of the Budget, said money should be used to pay off the note to the City. She is concerned that we are talking about accepting property into the district. This would take funds away from our primary purpose.

Joe Yaver, would like to hear the status of the legal issue brought against the District.

Bill Hineley, asked whether the Commissioners favor one or the other of the options for the 2015 Levy and Budget.

Michael Lilliquist, has a question looking at the 2014 Budget, instead of 2015's. Corrected, he has no further comment.

**Public Hearing Closed.**

**Motion:** To approve Resolution No. 2, authorizing the 2015 levy amount of \$427,048.32, made by Vince Biciunas and seconded by Sue Kaun. Discussion included our desire to pay off our note to the City as soon as possible with the least amount of interest payment. Vote was four to zero with one excused, to approve. See Resolution attached.

**Motion:** To authorize board President, John Hymas, to certify and sign the Levy Certification for 2015 in the amount of \$427,048.32, made by Cathy McKenzie and seconded by Sue Kaun. Discussion. Voted to approve, four to zero, with one excused. See Levy Authorization attached.

**Motion:** To approve the Budget for 2015, reflecting the approved levy amount of \$427,048.32, made by Sue Kaun, seconded by Cathy McKenzie. Discussion included the suggestion to possibly add a 'carry forward' line in the future, as well as our caution to have a sufficient reserve for legal defense, especially if there are future legal challenges. Motion approved unanimously, with one excused. See 2015 Budget attached.

**Motion:** To amend our 2014 Budget to reflect mid-year changes, made by Sue Kaun, seconded by Vince Biciunas. Discussion. Motion passed unanimously, with one excused. See 2014 Budget attached.

**Motion:** To authorize the Clerk to sign any end-of-year documentation related to the budget for 2015, made by Sue Kaun and seconded by Cathy McKenzie. Discussion. Motion passed unanimously, with one excused.

**Motion:** To approve the Minutes of our October 23, 2014 Regular Meeting, made by Sue Kaun and seconded by John Hymas. Approved with two clarifying wording changes, four to zero, with one excused.

**Report:** Parks and Recreation Advisory Board Report. Bill Hasenjaeger was not in attendance. John Hymas reported that he attended their most recent meeting, and there was some discussion of the City's surplus land at the corner of 20<sup>th</sup> and Old Fairhaven Parkway that might be for sale. No action recommended or taken.

**Motion:** Made by Sue Kaun and seconded by Cathy McKenzie, to authorize our legal counsel to initiate a draft contract for our Baseline Study Report, defining the scope of work, with Ann Eissinger of Nahkeeta Northwest and Common Futures LLC. James King, in his letter to us dated October 24, 2014, has indicated his mutual agreement to our selection. Discussion included the need for an updated wetland delineation, pulling together existing reports, and defining deliverables, in a time line to be determined. Motion passed four to zero, with one excused.

**Report:** On the possible gift of property to the District by the Naylor Family, Cathy McKenzie will confer with Tim Wahl and visit the site and report back. The liability insurance amount is yet to be determined. No action taken.

**Report:** On the status of our defense in the legal action by *Ferlin et. al*, our legal counsel Simi Jain reported on publicly known information. We filed a motion (an anti-slap suit) to strike certain aspects of the lawsuit challenging our right to exist, or the purpose for which our district was formed. The Judge granted our motion to strike the allegations to void the district. Our legal counsel will file the total amounts owed that were incurred to defend this portion of the lawsuit, and then there will be a judgment on those legal fees and any penalty owed. The claim(s) alleging that the tax is unconstitutional are still active. A big thanks to our legal team for their excellent work on our behalf.

**Report:** Commissioners Biciunas and McKenzie attended the State Auditor's Free Annual Report Preparation Workshop on November 5, in Olympia. Our 2013 report is complete and we have confidence in filing our 2014 report next spring. Small taxing districts have free CPA advice from the State's Auditor's office. Commissioner McKenzie will donate her expenses. Commissioner Biciunas has submitted expenses for payment. We voted last month to reimburse expenses. Per Diem rates are \$15 for lunches, and mileage rates are \$.56 per mile. See Consent Agenda.

**Treasurer's Report:** Our balance as of November 4, 2014 is \$195,680.51. We collected \$158,281.70 in tax revenue in October, and our Year-To-Date actual takes collected is \$392,771.66. We have not yet reached our budgeted \$405k, or \$422k less \$17k.

**Petty Cash:** Balance as of today is \$2,785.02.

**Our next Regular Meeting** will be December 11<sup>th</sup>, the second Thursday of the month, in the Fireplace Room, Fairhaven Branch, Bellingham Public Library.

**Consent Agenda:** Motion to approve Legal Service Invoice #71273 to Carmichael Clark PS in the amount of \$912.50, for regular legal counsel services, and Invoice #71274 for \$16,276.00, for matters relating to the *Ferlin et al.* legal case. And travel reimbursement to Commissioner Biciunas for trip to Olympia, 300 miles round trip at \$.56 per mile, GSA rates, and \$15.00 for meals/lunch allowance, totaling \$183.00. Motion made by Sue Kaun, seconded by Cathy McKenzie, motion passed four to zero with one excused.

**Motion:** Made by Vince Biciunas and seconded by John Hymas, to convene an Executive Session to discuss the lawsuit, *Ferlin et al. v. Chuckanut Community Forest Park District et al.* with our legal counsel. Discussion. Vote was 4/0 with one excused, to convene an Executive Session. Session will last around 30 minutes. Adjourn time was 8:00 PM. We will re-convene at 8:30 PM.

Back in Regular Session at 8:30 PM. No action taken.

No further business.

Meeting Adjourned at 8:33 PM.

Attachments (4):

- 1) Levy\_Resolution\_2\_A\_20141113.pdf
- 2) CCFPD\_Levy\_Cert\_20141113.jpeg
- 3) Budget\_CCFPD-Approved\_2015\_427.pdf
- 4) Budget 8 CCFPD 2014.pdf